The Canadian Charter of Rights and Freedoms – Shaping Canada p. 440 -

The patriation of the Canadian Constitution, formalized through the *Constitution Act,* gave Canada exclusive control over its constitutional affairs. This was the final step to full independence from Great Britain. The *Charter of Rights and Freedoms* was entrenched in the Constitution and accelerated the process by which human rights became politically important. It also changed significantly the relationship between Parliament and the courts. Among other things, the Charter guaranteed gender equality and minority rights, confirmed Canada's bilingual nature, and recognized and affirmed existing Aboriginal and treaty rights.

Canadians also had to deal with a variety of social questions, including abortion, gay marriage, gun control, and the impact of cultural diversity. Immigration patterns were changing as increasing numbers of immigrants and refugees arrived from Africa, Asia, and Latin America. Canada's growing diversity of peoples resulted in debates about the degree to which accommodations should be made for different values and beliefs, and what constituted a modern Canadian identity.

1. Briefly describe the following **rights** guaranteed by the Charter:

    a. Equality rights:

    _____

    _____

    b. Democratic rights:

    _____

    _____

    c. Legal rights:

    _____

    _____

    d. Mobility rights:

    _____

    _____

    e. Language rights:

    _____

    _____

f.　Minority-language education rights:

　　_____

　　_____

2.　Briefly describe the fundamental freedoms:

　　a.　Expression: _____

　　b.　Religion: _____

　　c.　Thought: _____

　　d.　Peaceful assembly: _____

　　e.　Association: _____

　　The Bill of Rights (1960) and the Human Rights Act (1977) were acts of Parliament and could be changed by Parliament. The Charter of Rights and Freedoms entrenches our rights in the Constitution and makes it much more difficult to change our rights and freedoms. If a government makes a law that is unconstitutional a court may overrule it and declare it invalid. This takes away some power of elected officials (who we elect) and places it in the hands of appointed judges.
　　Your opinion (not in text):

3.　Explain why elected officials should be able to make laws and change them without interference from judges.

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4.　Explain why judges (our judiciary) should be able to override laws made by elected officials.

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Challenging the Charter: p. 443

1.　What does section 24 of the Charter state?

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　　_____

　　_____

The Charter and Abortion

2. Section 7 of the charter specifies three types of protection, they are:

   a. _____

   b. _____

   c. _____

3. What did the Criminal Code of Canada state as of 1970?

   _____

   _____

4. What happened to Dr. Morgentaler at this time?

   _____

   _____

5. Why did the court state that this law was unconstitutional?

   _____

   _____

   _____

6. What did this end? _____

7. What award did Dr. Morgentaler receive in recognition of his work for women's rights?

   _____

8. Why would this be considered controversial?

   _____

   _____

   _____

9. Do you agree or disagree with this decision? Explain why!

   _____

   _____

   _____

The Charter and Language Rights: p. 444

10. What do Sections 16-22 of the CCRF, and Section 23 of the Minority Language Education Rights protect?

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11. What was the cause of the Arsenault-Cameron v. PEI Charter case?

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12. Why did the families win?

_____

13. Explain why you agree or disagree.

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The Charter and Same-Sex Marriage

14. What was the traditional definition of marriage based on British Common Law?

_____

15. After 2004, who has the power to decide who has the right to get married in Canada?

_____

16. What happened in 2005? _____

_____

17. Why do you think Stephen Harper would not revisit the issue of same-sex marriage even though his political party does not believe in it?

_____

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_____

18. Explain why you agree or disagree with the decision that same-sex couples should be able to get married in Canada.

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The Charter and Religious Freedom: p. 446

19. Why was 12-year-old Gurbaj Singh Multani, barred from wearing his Kirpan in school?

_____

_____

20. What did the Supreme Court rule?

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_____

21. Explain why you agree or disagree with this decision.

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22. Using the above examples, how has the Charter of Rights and Freedoms shaped the identity of Canada? (Have we become more tolerant, less tolerant, too tolerant?) Explain why.

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